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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,426	03/18/2004	Kyoung Soo Moon	2080-3237	7236
35884 7590 10/12/2010 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017				
EXAMINER				
TEKLE, DANIEL T				
ART UNIT		PAPER NUMBER		
2481				
NOTIFICATION DATE		DELIVERY MODE		
10/12/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/804,426

Applicant(s)

MOON, KYOUNG SOO

Examiner

DANIEL TEKLE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 4, 2010 has been entered.

Response to Argument

Applicant's arguments filed March 4, 2010 have been fully considered but they are not persuasive.

Applicant argument after final action is similar to applicant argument to the non-final mail on April 3, 2009. Therefore the final action remark reproduces below. However for the additional limitation see the cited reference below.

Applicant argument regarding claim 1-11, "Therefore, it is further respectfully submitted that Emura cannot be asserted as disclosing time correction data corresponding to a time difference between a first base time provided by the first channel and a second base time provided by the second channel, as recited in independent claim 1. Moreover, it is respectfully submitted that Emura is silent about a base time provided by a channel and time correction data corresponding to a time

difference between base times provided by the channels, as recited in independent claim 11”.

In response the examiner respectfully disagrees. Emura discloses time correction between two different broadcasting programs. Each broadcasting programs have a specific schedule base recording time and in according that if one program overlaps another program, the television program schedule information stored in the storing unit renewed (column 19 lines 42-65). Therefore the claim limitation correction a recording time or overlapping two different channel means is anticipated by Emura as explained above.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-15 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent and recent Federal Circuit decisions indicate that a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claims recite a series of steps or acts to be performed, the claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example, a method for detecting an overlap of scheduled recording times, comprising: obtaining, recognizing, and correcting steps is of sufficient breadth that it

would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 2005/0273819) and further in view of Emura (US 6,344,878).

Regarding Claim 1: Knudson et al. and Emura disclose a method for detecting an overlap of scheduled recording times, the method comprising: obtaining a first base time from a first channel and a second base time from a second channel, the first base time representing a time of day at a first broadcast station that provides a first broadcasting program on the first channel and the second base time representing a time of day at a second broadcast station that provides a second broadcasting program on the second channel (column 16 lines 33-51: figure 8 television program schedule information comparing and renewing unit. It is know that plurality program schedule for recording are received from different broadcast station e.g. ABC, HBO, MTV] of Emura]; recognizing that there exists the first broadcasting program scheduled to record on a first channel and a second broadcasting program scheduled to record on a second channel (**fig. 13: [current reminders] of Knudson**); correcting a scheduled

recording time of at least the first broadcasting program or the second broadcasting program according to time correction data corresponding to a difference between the first base time and the second base time (**column 19 lines 42-63: [Tv program schedule information renewed] of Emura**); detecting if that the scheduled recording times of the first broadcasting program and the second broadcasting overlap (**paragraph 0081: [conflicting reminders message] of Knudson**); and reporting information on the overlap (**paragraph 0081: [conflicting reminders message] of Knudson**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combined Emura invention into Knudson et al. invention in order to correct a recording of conflict AV time; thus a user able to see both program without lose any of them.

Regarding Claim 2: Knudson et al. disclose a method according to claim 1, further comprising, calculating the time correction data (**paragraph 0082: Conflicting reminders screen 130**).

Regarding Claim 3: Knudson et al. disclose a method according to claim 2, wherein calculating the time correction data comprises: setting, as a reference time, a base time provided from a reference channel tuned first upon power up (**paragraph 0081: episode of program Y is scheduled to air on the same day and time**); obtaining base times provided from channels other than the reference channel (**paragraph 0082: systems configured to provide automatically tuning reminders**); and calculating the

time correction data using the reference time and the base times (**paragraph 0082: resolve conflicts based on system defaults or previously specified user settings**).

Regarding Claim 4: Knudson et al. disclose a method according to claim 3, wherein calculating the time correction data further comprises: mapping the calculated time correction data to corresponding channels in one-to-one mapping and storing the mapped time correction data (**paragraph 0080: user or the system would need to resolve any conflicts**).

Regarding Claim 5: Knudson et al. disclose a method according to claim 3, wherein the reference channel is set in default by a user (**paragraph 0082: resolve conflicts based on system defaults or previously specified user settings**).

Regarding Claim 6: Knudson et al. disclose a method according to claim 3, wherein calculating the time correction data further comprises: storing the set reference time and the base times (**paragraph 0080: system reminder**).

Regarding Claim 7: Knudson et al. disclose a method according to claim 3, wherein the calculated time correction data comprises time differences between the reference time and the base times (**paragraph 0081: resolve conflicts based on system defaults or previously specified user settings**).

Regarding Claim 8: Knudson et al. disclose a method according to claim 1, wherein the scheduled recording times comprise a record start time and a record end time (**paragraph 0081: scheduled to air on the same day and time**).

Regarding Claim 9: Knudson et al. disclose a method according to claim 1, wherein correcting the scheduled recording time comprises the steps of: reading the time

correction data corresponding to the first channel and second channel(**paragraph 0080: resolve conflicts based on system defaults or previously specified user settings**); and adding the read time correction data to the scheduled recording times of at least first broadcasting program or second broadcasting program(**paragraph 0081-0082: resolve the conflict before the programs are scheduled to air by cancelling one of the conflicting reminders**).

Regarding Claim 10: Knudson et al. disclose a method according to claim 1, wherein the information on the overlap is reported in the form of message or voice (**paragraph 0082: conflicting reminders message**).

Regarding Claim 11: Claim 11 is rejected for the same subject matter as claims 1 and 2.

Regarding Claim 12-15: Claims 12-15 are rejected for the same subject matter as claims 3, 5, 7 and 9 respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel Tekle/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621